IN THE HIGH COURT OF JUDICATURE AT BOMBAY

A S

Writ Petition No.4026 of 2005

Sunil B Gaikwad ..Petitioner
vs
State of Mah and ors .respondents

Mr Sutar for M B Gawade for petitioner
Mr C R Sonawane AGP for State

CORAM: A.P.SHAH & D.Y.CHANDRACHUD JJ

Dated l3.7.2005

P.C:

. Rule. Respondents waive service.By consent, rule is made returnable forthiwth.

. Heard learned counsel for the parties.

. The petitioner is an educated unemployed youth and is running a Zunka Bhakar Centre in village Shirur District Pune since l998. In l995, the Maharashtra Government floated a scheme to start Zunka Bhakar Kendras all over Maharashtra so that poor and hungry can have food at a nominal rate of Re l/-. The petitioner being unemployed youth was allotted one such Zunka Bhakar Centre.However, it appears that no place was available with the respondents and, therefore the petitioner started Zunka Bhakar Centre in the grocery shop which was

being run by his mother since l989. The shop licence stands in the name of petitioners mother since l989. The electricity bills also stand in the name of petitioner’s mother.

. In June 2000 the State Government decided to discontinue all Zunka Bhakar Kendras. This decision of the Government was upheld by the Division Bench of this court on 29.3.200l. Against this decision some of the Zunka Bhakar Centre owners have preferred appeals before the Supreme Court and those appeals are pending.

. So far as the present petitioner is concerned he has filed an affidavit that he is willing to close down his Zunka Bhakar Centre and he may be allowed to run the grocery shop or some other business in the premises where Zunka Bhakar Centre was being conducted. The documents produced by the petitioner’s alongwith the affidavit dated 8.7.2005 show that the premises do not belong to the Government but belong to the petitioner’s mother who was conducting grocery shop in the said premises. In the light of the above affidavit the impugned notice dated l6.5.2005 directing the petitioner to hand over possession of the Zunka Bhakar Centre to the Kamgar Talathi is quashed and

set aside. The petitioner is at liberty to conduct any business in the premises with permission of the local authorities in accordance with law. Rule is made absolute accordingly with no order as to costs.